

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner objects to claim 1 because the same recites both a “soft portion” and a “soft section”. In response, claim 1 has been amended to change the two occurrences of “soft section” on lines 4 and 7 to --soft portion--. Dependent claims 5-8 have also been amended to be consistent with amended claim 1. Accordingly, it is respectfully requested that the objection to claim 1 be withdrawn.

In the Official Action, the Examiner rejects claims 3, 4, 7, 8, 11, 12, 15, and 16 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner argues that claims 3 and 4 recite the tapered portion is located forward an endoscope portion separated 45 cm from the distal endoscope end while claim 1 recites that the tapered portion is separated 70 cm from the distal end. Thus, the Examiner argues that claims 3 and 4 are inconsistent with claim 1.

Applicant respectfully submits that the recited portion of claim 1 means that the tapered portion is forward (distal) the endoscope portion and 70 cm (proximal) from the distal end. Thus, claim 1 has been amended to recite that the tapered portion is separated 70 cm or less from the distal end. Thus, claims 3 and 4 are now consistent with amended claim 1. Dependent claims 3-8 have also been amended to be consistent with amended claim 1. Accordingly, it is respectfully requested that the rejection of claims 3, 4, 7, 8, 11, 12, 15, and 16 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Official Action, the Examiner rejects claim 1 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,217,002 to Katsurada et al., (hereinafter

“Katsurada”) in view of U.S. Patent No. 5,916,147 to Boury (hereinafter “Boury”).

Additionally, the Examiner rejects claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Katsurada and Boury and further in view of U.S. Patent No. 6,899,673 to Ogura et al., (hereinafter “Ogura”). Furthermore, the Examiner rejects claims 5, 9, and 13 under 35 U.S.C. § 103(a) as being unpatentable over Katsurada and Boury and further in view of U.S. Patent No. 5,084,022 to Claude (hereinafter “Claude”). Lastly, the Examiner rejects claims 6, 10, and 14 under 35 U.S.C. § 103(a) as being unpatentable over Katsurada, Boury, and Ogura and further in view of Claude.

In response, Applicant respectfully traverses the Examiner’s rejections under 35 U.S.C. § 103(a) for at least the reasons set forth below. However, independent claim 1 has been amended to clarify its distinguishing features.

With regard to Katsurada, the Examiner argues that the same teaches an endoscope having an insertion unit having a soft portion where the soft portion has a small diameter portion. The Examiner further argues that Katsurada teaches a large diameter portion formed on the operator side of the soft portion and a tapered portion linking the small and large diameter portions. The Examiner admits that Katsurada does not teach the tapered portion being 70 cm from the distal endoscope end but cites Boury as teaching abdominal and renal catheters typically being about 50-70 cm long.

In the Official Action, the Examiner appears to consider the large-diameter portion as the operation portion, and the tapered portion as a part of the operation portion. However, Applicants respectfully submit that claim 1 recites the large-diameter portion and the tapered portion being provided in the soft section, which is differentiated from the constitution of the endoscope disclosed in Katsurada.

Katsurada fails to disclose the large-diameter portion and the tapered portion in the soft section of the endoscope. Applicant respectfully submits that the configuration of the soft section of the endoscope as recited in the claims has been devised such that the operation at the proximal side may be easily transmitted to the distal side, thereby improving its insertability.

Claim 1 has been amended to clarify such a distinguishing feature. Specifically, claim 1 has been amended to clarify that the tapered portion is included in the soft portion (of the insertion unit) and links the small-diameter portion and the large-diameter portion. Such an amendment is fully supported in the original disclosure, particularly, in the methods described with regard to Figures 4-7 and the configurations described with regard to Figures 2, 3, and 8. Thus, no new matter has been entered into the disclosure by way of the clarifying amendment to claim 1.

In contrast, Katsurada shows a tapered portion that is part of the operating unit (control part 2) and not the soft insertion unit (flexible tube 10).

Independent claim 1 is not rendered obvious by the cited references because neither the Katsurada patent, the Boury patent nor the Ogura patent, whether taken alone or in combination, teach or suggest an endoscope having the features discussed above.

Accordingly, claim 1 patentably distinguishes over the prior art and is allowable. Claims 2, 5, 6, 9, 10, 13 and 14 being dependent upon claim 1 are thus at least allowable therewith.

Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 1, 2, 5, 6, 9, 10, 13 and 14 under 35 U.S.C. § 103(a).

Furthermore, new claim 17 has been added to further define the patentable invention. New claim 17 is fully supported in the original disclosure. Thus, no new matter

has been entered into the disclosure by way of the addition of new claim 17. Applicant respectfully submits that new independent claim 17 patentably distinguishes over the prior art and is allowable.

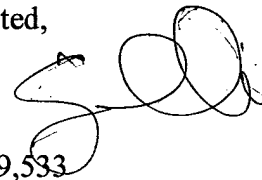
Lastly, the specification has been reviewed for errors. Any such errors have been corrected by way of the present amendment. Specifically, "wile" at page 11, line 21 has been changed to --while--. No new matter has been entered by way of the amendment to the specification.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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